IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.3102 of 1998

Between:

1 I.Tule Rao, S/o.Narsaiah, 43 years,
Appalarajagudem, Narsapur , West Godavari District - 534 456.
2 K.Nargeswar Rao, S/o.Balakrishna Rao, 33 years,
Applarajagudem ,Narsapur West Godavari District.
3 T.Damayathi W/o.Venkataramana, 38 years,
Musunur, Krishna District.

...PETITIONERS

AND

1. The Secretary, A.P. Residential Educational Institution Society, rep.by its Secretary, III Floor, Gagan Vihar, Nampally, Hyderabad.

2. The Principal, A.P. Residential School, Appalarajagudem, Narsapur, West Godavari District.

3. The Principal, A.P. Residential School, Musunur, Krishna District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus to declare as illegal and arbitrary the action of the Respondent in not converting the petitioners to last grade service on completion of five years full time contingent service as was done in the case of similarly placed persons and issue a consequential direction to the Respondent to treat the Petitioner as last grade employees from the date of completion of five years as full time contingent

employees and entitled to pay fixation, payment of arrears of salary, seniority etc on and with effect for such conversion.

Counsel for the Petitioners: MR.D.V.SITARAMAMURTHY

Counsel for the Respondents: MR.VIJAYA BHASKAR MOOLA

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.3102 of 1998

ORDER:

Heard both sides.

The petitioners herein seek to assail the impugned orders dated 09.06.1995 whereunder the benefits of conversion of 22 full-time contingent posts is sought to be given from 31.03.1995. It is seen that the said date is being followed in the impugned orders in view of the permission granted by the Government in G.O.Rt.No.483 Education (Programme-1) Department dated 31.03.1995. However, in this Writ Petition, there is no challenge in regard to the said G.O.Rt.No.483, dated 31.03.1995 nor the Government is a party. Without making such amendment, no relief can be granted to the petitioners in regard to the date, though according to the petitioners, they are entitled to the similar benefits upon their completion of five years. In view of the same, the Writ Petition is not maintainable.

Accordingly, the Writ Petition is dismissed with liberty to the petitioners to avail fresh remedy available under law by making all necessary parties and also challenging

the aforesaid G.O.Rt.No.483, dated 31.03.1995.

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(B.PRAKASH RAO, J)

15th December 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Secretary, A.P. Residential Educational Institution Society, rep.by its Secretary, III Floor, Gagan Vihar, Nampally, Hyderabad.
2. The Principal, A.P. Residential School, Appalarajagudem, Narsapur, West Godavari District.
3. The Principal, A.P. Residential School, Musunur, Krishna District.

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